

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF, ARW, By and
Through His Father, KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, *et al.*,

Defendants.

No. 2:24-cv-00808-JHC

ORDER

This matter comes before the Court on a request for a stay, Dkt. # 34, Defendant Jessica A. Skelton's Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6), Dkt. # 27, and Defendant Jessica Skelton's Motion for Rule 11 Sanctions and Pre-Filing Restrictions, Dkt. # 32. The Court has reviewed the request and motions, the balance of the case file, and the governing law. Being fully advised, the Court rules as follows.

1. Request for stay

The request for a stay was submitted by a purported "Next Friend," Howard Brown, who says that Plaintiff was incarcerated as of July 21, 2024. But Brown does not demonstrate that they are qualified for next-friend status. For example, Brown does not show "that they possess some significant relationship with, and is truly dedicated to the best interests of," Plaintiff. *See Washington v. U.S. Congress*, C15-443-JCC, 2015 WL 2085607, at *2 (W.D. Wash. May 15,

1 2015). Thus, the Court DENIES the request for a stay without prejudice.

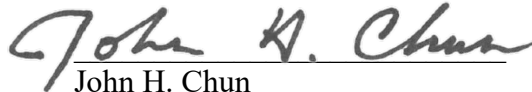
2 2. Motion to dismiss

3 For the reasons set forth in Skelton's motion, the Court DISMISSES the claims against
4 Skelton without prejudice. As presented thus far, the claims clearly lack any merit. Plaintiff
5 may seek leave to amend the complaint with respect to the claims against Skelton.
6

7 3. Motion for sanctions and pre-filing restrictions

8 The Court DENIES the motion without prejudice. Skelton may renew this motion if and
9 when Plaintiff resumes litigating this matter.

10 DATED this 9th day of August, 2024.

11
12
13 
14 John H. Chun
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27